

Claim 27 (New)

The method of playing a wagering game as set forth in claim 1 above, wherein the number of jokers used is two.

Claim 28 (New)

The method of playing a wagering game as set forth in claim 1 above, wherein the Play bet may be a multiple of the Ante bet.

Claim 29 (New)

The method of playing a wagering game as set forth in claim 1 above, wherein the number of cards dealt to the player(s) and the dealer is two and two cards are compared at the conclusion of the hand.

Claim 30 (New)

The method of playing a wagering game as set forth in claim 1 above, wherein the number of cards dealt to the player(s) and the dealer is three and three cards are compared at the conclusion of the hand.

Claim 31 (New)

The method of playing a wagering game as set forth in claim 1 above, wherein the number of rounds dealt to the dealer and house before the shuffle is two or more.

Claim 32 (New)

The method of playing a wagering game as set forth in claim 1 above, wherein the number of rounds dealt to the player and the number of rounds dealt to the player and house, before a shuffle, is two or more.

REMARKS

Pursuant to the present amendment, applicant has now cancelled the previous 14 claims existing in the application and has replaced those claims with new claims 15-32. It is believed these claims now adequately set forth the invention and avoid any injunction based upon the 35 U.S.C. SECTION 112.

First, applicant wishes to advise the examiner that applicant has added to the specification further description of the "multiple rounds" concept in order to lend support for the claims as now submitted. It will be noted that the present application was filed with a reference to related applications, namely provisional application 60/448,669 filed on February 19, 2003. It will be noted that in provisional application 60/448,669 filed on February 19, 2003 applicant described a second and third round of cards being dealt on page one, three, and four of the application. It was clearly indicated therein that the game would permit the player to wager on multiple rounds of poker being dealt from the same deck(s) and before a shuffle.

With respect to the substantive portion of the rejection, it is noted that the examiner has rejected the claims based upon 35 U.S.C. Section 103 based upon primarily the patent of Lombardo et al. in view of Webb. A review of the Lombardo reference clearly indicated that the method of playing the Lombardo poker game differs markedly from applicant. In the first instance, the Lombardo patent is not a two card poker game. No appreciation of a 2 card flush or a 2 card straight, or a 2 card straight flush is appreciated. Lombardo does not have a second round. In col. 4, lines 6-9, as noted by the examiner, this comparison is 2 out of the best 3 and 2 out of the best 4 for the dealer. This comparison is continued for all players's and completes the hand. Please understand that this is all done in 1 round and continues with a shuffle.

In our version, the rounds continue and the game continues until a new shuffle is performed. More rounds are dealt before a shuffle. Lombardi only has one round before a shuffle.

Applicant wishes to advise the examiner that dealing more than one round of poker has never been done before. Furthermore, when a shuffle is determined it is not obvious in the art, as the examiner claims. A player has never been given the option to wager on another round of poker, (like they do in Black Jack) with knowledge of previously played cards. This is novel and non-obvious. This game features multiple rounds of poker being dealt from the same deck(s) and before a shuffle.

Applicant submits this is the first instance where a poker game is played with more than one round, and before a shuffle. While the examiner takes the position that that is only a matter of design choice, it is submitted that applicant has clearly demonstrated in his prior co-pending provisional application and regular patent application that the statistical odds are more favorable to the player and hence, as an amusement wagering game, provides the player with a better and more often chance of winning a wager. It is for this reason, that a multiple round(s) poker game in accordance with applicant's rules provides a better opportunity for the player as well as the house.

It is further submitted that Lombardi is not applicable for the reason that nowhere does Lombardi appreciate or even describe the playing of a poker game with multiple rounds before a shuffle to make a winning hand(s). It is therefore submitted that Lombardi is entirely different from applicant's game, and indeed, is more closely intoned to prior art poker games utilizing one and only one round of poker before a shuffle, as opposed to applicant's game.

It is therefore submitted that Goldman in view of Webb, should not represent a bar to patentability as to applicant's invention under 35 USC Section 103 for the reasons set forth above.


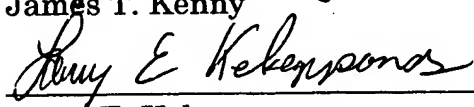
It is submitted that the new claims eliminate all of the others 35 USC Section 112 rejections since it is believed the unsupported language has been removed from the claim and that the claims are now supported by the specification.

Applicant has reviewed the various other patents cited by the examiner including the patent Hesse, Hedman, Lombardo, and Webb and has compared the games set forth in each of those patents relative to applicant's described game. Applicant submits that while the various patents show poker wagering methods and games, none deal with the method as described in the present application. Again, typically a poker game is played with a minimum of one round before a shuffle for determining a winning wager. Applicant has disclosed in his provisional application, the odds of winning in a multiple round(s) before a shuffle markedly different than the ability to win in a single round of poker and hence makes it a more desirable game for the player as well as the house. It is therefore submitted that it is not merely a matter of design choice as to whether one plays one round of poker out of a deck(s) before a shuffle, in a game, but the ability to interest the player in playing a multiple round poker game with more than one round out of a deck(s) and before a shuffle, which affords the player a better opportunity to win, while nevertheless increasing the odds for the house by enticing more players to play the game and afford the house, as well, as the opportunity to enhance its earnings.

For the reasons set forth above, it is submitted that the present application and the claims in their present format clearly disclose a two card poker game and a multiple round poker game(s) which is unanticipated by any of the art submitted by the examiner, and certainly not even anticipated by the main reference in the art field, that is Scarnes Encyclopedia of Card games. It is therefore respectfully requested that the examiner find that the present application is allowable over the art of record and issue a notice of allowance to that effect.

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